

ECF CASE
JUDGE SCHEINDLIN

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

**J & J SPORTS PRODUCTIONS, INC., as
Broadcast Licensee of the May 5, 2007
DeLaHoya/Mayweather Program,**

Plaintiff,

-against-

ATTORNEY'S AFFIDAVIT OF COSTS AND FEES

Civil Action No.08-CV-952-SAS-JCF
HON. SHIRA A. SCHEINDLIN

JUAN C. MORENO and LEODEGARIO ROJAS,
Individually, and d/b/a SPEEDY GONZALEZ
MEXICAN - AMERICAN RESTAURANT a/k/a
SPEEDY GONZALEZ a/k/a SPEEDY
GONZALEZ MEXICAN RESTAURANT,

and

SPEEDY GONZALEZ MEXICAN - AMERICAN
RESTAURANT a/k/a SPEEDY GONZALEZ a/k/a
SPEEDY GONZALEZ MEXICAN
RESTAURANT,

Defendants.

STATE OF NEW YORK :
: SS.:
COUNTY OF ULSTER :

JULIE COHEN LONSTEIN, being duly sworn, deposes and says:

1. That I am the attorney for Plaintiff, J & J Sports Productions, Inc., in the above referenced matter and I am admitted to practice in this Court. I am fully familiar with all the facts, circumstances and proceedings heretofore had herein.

2. I make this affidavit in support of Plaintiff's motion for default judgment and damages, costs and fees.

3. Plaintiff's litigation expenses as associated with the formation, pleading and filing

of the above captioned matter are as outlined below:

- a. Filing Fees - \$350.00
- b. Service of Process - \$350.00
Attached hereto as Exhibit "A," please find invoice from Signal Auditing, Inc., reflecting the cost of service upon the Defendants.
- c. Attorneys Fees - \$1,118.75
See below

Total Litigation Expenses(\$1,818.75)

4. Attorney fees at \$200.00 per hour for attorney time spent and \$75.00 for paralegal time spent are as follows:

| <u>Date</u> | <u>Action</u> | | <u>(in hours)</u> | <u>Fee</u> | |
|-------------|---|-----|-------------------|------------|--|
| 06/08/2007 | Factual research and development | .50 | \$100.00 | Atty | |
| 06/11/2007 | Claim Letter issued | .25 | \$18.75 | Para | |
| 06/25/2007 | TC from Attorney for Defendant | .12 | \$25.00 | Atty | |
| 06/25/2007 | Demand Letter Issued | .25 | \$18.75 | Para | |
| 07/02/2007 | TC with Attorney for Defendant | .13 | \$25.00 | Atty | |
| 07/09/2007 | TC to Attorney for Defendant | .12 | \$25.00 | Atty | |
| 07/12/2007 | TC from Attorney for Defendant | .13 | \$25.00 | Atty | |
| 07/20/2007 | TC to Attorney for Defendant | .12 | \$25.00 | Atty | |
| 07/25/2007 | Letter Issued to Attorney for Defendant | .25 | \$18.75 | Para | |
| 08/02/2007 | TC to Attorney for Defendant | .13 | \$25.00 | Atty | |
| 08/06/2007 | Settlement Docs emailed to Attorney | .25 | \$50.00 | Atty | |
| 08/30/2007 | TC from Attorney for Defendant | .12 | \$25.00 | Atty | |
| 09/18/2007 | TC to Attorney for Defendant | .13 | \$25.00 | Atty | |
| 10/03/2007 | TC to Attorney for Defendant | .12 | \$25.00 | Atty | |

| | | | | |
|--------------|---|-------------------|-------------------|------|
| 11/05/2007 | TC from Attorney for Defendant | .13 | \$25.00 | Atty |
| 12/04/2007 | TC to Attorney for Defendant | .12 | \$25.00 | Atty |
| 01/11/2008 | Issued Letter to Attorney | .25 | \$18.75 | Para |
| 01/17/2008 | Complaint drafted, Corporate disclosure | .50 | \$100.00 | Atty |
| 01/25/2007 | Complaint sent to Court for Filing | .25 | \$18.75 | Para |
| 01/28/2008 | TC from Attorney For Defendant | .13 | \$25.00 | Atty |
| 01/31/2008 | Arranged Service | .25 | \$18.75 | Para |
| 02/21/2008 | Review Service | .12 | \$25.00 | Atty |
| 02/21/2008 | Filed and mailed Proofs of Service | .25 | \$18.75 | Para |
| 03/06/2008 | Review Order | .13 | \$25.00 | Atty |
| 03/06/2008 | Drafting Request for Default | .50 | \$100.00 | Atty |
| 03/06/2008 | Filed and mailed Request For Default | .50 | \$37.50 | Para |
| 03/11/2008 | Motion for Continuance | .25 | \$50.00 | Atty |
| 03/12/2008 | Review Clerk's Certificate | .12 | \$25.00 | Atty |
| 03/14/2008 | Drafted Motion for Default | 1.0 | \$200.00 | Atty |
| | | Hours | Fee | |
| | | 4.75 Atty | \$950.00 | |
| | | 2.225 Para | \$168.75 | |
| Total | | | \$1,118.75 | |

5. As part of its factual research, Plaintiff's Counsel conducted a search of the New York State Division of Alcoholic Beverage Control State Liquor Authority. The results show that Juan C. Moreno and Leodegario Rojas are the Principals of Speedy G Inc. The Public Query Results page is attached hereto as Exhibit "B".

6. The auditor during the course of her investigation took a brief video which shows

commentator Lennox Lewis. Attached hereto as Exhibit C is a copy of the auditors' video.

Lennox Lewis is a commentator for HBO-PPV, attached hereto as Exhibit 'D', is a biography of Lennox Lewis from HBO-PPV website. Lennox Lewis was a commentator for the May 5, 2007 De La Hoya/ Mayweather event.

7. We respectfully request that judgment be entered in favor of Plaintiff and against the Defendants in the manner stated herein.

WHEREFORE, your deponent respectfully requests that this Court in its discretion grant judgment by default under 605(a) on COUNT I of the Plaintiff's complaint against the Defendants jointly and severally as follows:

Against, JUAN C. MORENO, Individually, and d/b/a SPEEDY GONZALEZ MEXICAN - AMERICAN RESTAURANT a/k/a SPEEDY GONZALEZ a/k/a SPEEDY GONZALEZ MEXICAN RESTAURANT,

- 1) under 605(e)(3)(C)(i)(II) a *sum in the discretion of the Court*, of up to TEN THOUSAND DOLLARS (\$10,000.00)
- 2) and under 605(e)(3)(C)(ii) a *sum in the discretion of the Court*, of up to ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) for enhanced damages for Defendant's willful violation of 605(a)
- 3) and under 605(e)(3)(B)(iii) *in the discretion of the Court*, costs and Attorney fees of SIX HUNDRED SIX DOLLARS AND TWENTY FIVE CENTS (\$606.25)

Against, LEODEGARIO ROJAS, Individually, and d/b/a SPEEDY GONZALEZ MEXICAN - AMERICAN RESTAURANT a/k/a SPEEDY GONZALEZ a/k/a SPEEDY GONZALEZ MEXICAN RESTAURANT

- 1) under 605(e)(3)(C)(i)(II) a *sum in the discretion of the Court*, of up to TEN THOUSAND DOLLARS (\$10,000.00)
- 2) and under 605(e)(3)(C)(ii) a *sum in the discretion of the Court*, of up to ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) for enhanced damages for Defendant's willful violation of 605(a)
- 3) and under 605(e)(3)(B)(iii) *in the discretion of the Court*, costs and Attorney fees of SIX HUNDRED SIX DOLLARS AND TWENTY FIVE CENTS (\$606.25)

Against, SPEEDY GONZALEZ MEXICAN - AMERICAN RESTAURANT a/k/a SPEEDY GONZALEZ a/k/a SPEEDY GONZALEZ MEXICAN RESTAURANT

- 1) under 605(e)(3)(C)(i)(II) a sum *in the discretion of the Court*, of up to TEN THOUSAND DOLLARS (\$10,000.00)
- 2) and under 605(e)(3)(C)(ii) a sum *in the discretion of the Court*, of up to ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) for enhanced damages for Defendant's willful violation of 605(a)
- 3) and under 605(e)(3)(B)(iii) *in the discretion of the Court*, costs and Attorney fees of SIX HUNDRED SIX DOLLARS AND TWENTY FIVE CENTS (\$606.25)

Dated: March 17, 2008
Ellenville, NY 12428

/s/ Julie Cohen Lonstein
Julie Cohen Lonstein, Esq.
Bar Roll No. JL8512
Lonstein Law Office, P.C.
Attorneys for Plaintiff
1 Terrace Hill; PO Box 351
Ellenville, NY 12428
Telephone: 845-647-8500
Facsimile: 845-647-6277

Sworn to before me this 17th
day of March 2008

/s/ April Draganchuk
April Draganchuk
Notary Public State of New York
Registration No. 4945872
Residing in Ulster County
My Commission Expires Jan. 27, 2011

Exhibit A

Invoice

1 Terrace Hill
P.O. Box 615
Ellenville, NY 12428

| Date | Invoice # |
|-----------|-----------|
| 2/21/2008 | 1247 |

| Bill To |
|---|
| Lonstein Law Office, PC Wayne D Lonstein 1 Terrace Hill P.O. Box 351 Ellenville, NY 12428 |

| Description | Amount |
|--|----------|
| INDIVIDUAL SERVICE J&J v. LEODEGARIO ROJAS YOUR FILE #07-4-S18V CV #08-0952 | 150.00 |
| INDIVIDUAL SERVICE J&J v. JUAN C. MORENO YOUR FILE #07-4-S18V CV #08-0952 | 100.00 |
| CORPORATE SERVICE J&J v. SPEEDY GONZALEZ MEXICAN -AMERICAN RESTAURANT YOUR FILE #07-4-S18V CV#08-0952 | 100.00 |
| Total | |
| | \$350.00 |

Exhibit B



Eliot Spitzer
Governor



Joshua B. Toas
CEO

Daniel B. Boyle
Chairman

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Public Query - Results

License Information

Serial Number: 1138056

License Type: RESTAURANT WINE

License Status: License is Active

Credit Group: 3

Filing Date: 03/14/2003

Effective Date: 05/01/2007

Expiration Date: 04/30/2008

Premises Information

Principal's Name: MORENO,JUAN C
ROJAS,LEODEGARIO

Premises Name: SPEEDY G INC.

Trade Name:

Zone: 1

Address: 3 W FORDHAM ROAD

BRONX, NY 10468

County: BRONX

You can select one of the following links to perform another search:

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See Video Disk w/ Courtesy Copies
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Exhibit "C"

Exhibit "D"

Fightnews.com

Ads by Google

Mayweather defeats De La Hoya!

Saturday, May 5 2007

Bautista, Juarez victorious

By Mike Sloan and Victor Perea at ringside

Photo: Naoki Fukuda

WBC welterweight champion Floyd Mayweather Jr (38-0, 24 KOs) won a twelve round split decision over WBC super welterweight champion Oscar De La Hoya (38-5, 30 KOs) on Saturday night at the MGM Grand Garden Arena in Las Vegas. Floyd had the edge in a slow round one, but De La Hoya upped the pressure to win round two. After an opening flurry in round three, Oscar wasn't as aggressive and Floyd picked him apart. De La Hoya



landed about a dozen body shots in succession while Floyd was on the ropes in round four. Both fighters scored in round five, with Floyd getting the better of it. Oscar connected well in round six, plus showed some defensive skills making Floyd miss wildly several times. Oscar effectively used his jab and outworked Floyd in the seventh. Oscar flurried at the end of the eighth to possibly steal a close round. Mayweather landed the most meaningful punches in the ninth and tenth, as Oscar grew fatigued and inexplicably abandoned his jab. Floyd also mostly dominated the eleventh, but Oscar landed the best punch of the round. Both fighters traded punches to end the fight. Scores were 116-112, 115-113 Mayweather, 115-113 De La Hoya.

WBC #5/WBA #6/IBF #7 super featherweight Rocky Juarez (26-3, 19 KOs) won a twelve round unanimous decision over Jose Hernandez (22-3, 14 KOs) to claim the WBA's Fedelatin title. Juarez dropped Hernandez in round two with a flush right hand, but had more trouble than expected against the busier Hernandez. Scores were 115-112, 116-111, 117-110.

In an action-packed WBO super bantamweight eliminator, undefeated #1 rated Rey "Boom Boom" Bautista (23-0, 17 KOs) earned a mandatory shot at champion Daniel Ponce De Leon with a unanimous decision over previously unbeaten #2 Sergio Medina (28-1, 22 KOs). In round five, Bautista was deducted a point for a low blow by referee Robert Byrd. He got that point back by dropping Medina in the following round. In round seven, Medina staggered Bautista and was credited with a knockdown when Bautista hung onto the ropes to keep from going down. The standing eight may have saved Bautista, and Medina didn't follow up to finish him. Bautista was able to clear his head and regain control, again dropping Medina in the eleventh. Scores were 115-109, 116-108, 115-109.

Legends of the Ring

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AfflictionClothingStore.com

Super flyweight Alex Banal (13-0-1) won an eight round unanimous decision over Juan Rosas (25-3). Scores were 78-73, 78-73, 76-75.

Unbeaten super featherweight buzzsaw Billy Dib (16-0) outworked Jose Alberto Gonzalez (14-4) over eight rounds to claim a 78-74, 78-74, 77-75 win.

Unbeaten lightweight John Murray (21-0) scored a seventh round TKO over Lorenzo Bethea (6-5). Time was :28 when Bethea's corner threw in the towel.

In an upset, welterweight Christian Solano (20-11-4) knocked out previously unbeaten John O'Donnell (15-1). Solano dropped O'Donnell late in the first round with a left hook, then in the following round another left hook sent O'Donnell to the canvas face first. Time was 1:50.

Lightweights Ernest Johnson (16-2-1) and Hector Beltran (10-1-1) fought to a lackluster eight round draw. Scores were 77-74, 77-75, 76-76.

Unbeaten cruiserweight Carlos Duarte (6-0) scored a second round TKO over pro debuting Calvin Rooks. Time was 1:54.

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